

**From:** Arpad Bergh  
**To:** Mike Powell  
**Date:** Thu, Feb 13, 2003 4:31 PM  
**Subject:** <No Subject>

Please find in the attached, last minute concerns with regard to the UNE Review from the Optoelectronics Industry Development Association.

Thank you for your consideration

Sincerely,

--

Arpad Bergh, President  
OIDA  
1133 Connecticut Ave, NW - Suite 600  
Washington, DC 20036  
Ph: 202-785-4426  
<http://www.oida.org>

**CC:** Kathleen Abernathy, Commissioner Adelstein, Michael Copps, Kevin Martin, Christopher Libertelli, Matthew Brill, Lisa Zaina, Jordan Goldstein, Daniel Gonzalez

**From:** Beth Zivkovic  
**To:** Mike **Powell**  
**Date:** Thu, **Feb** 13, 2003 12:03 PM  
**Subject:** Save the Platform



February 13<sup>th</sup>, 2003

Dear Chairman Michael Powell:

I ask your support for the continued availability of the "WE-Platform."

My company, Access One, offers local telephone service in the SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform - to serve customers. It is absolutely critical that we have continued access to the WE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Beth Zivkovic  
Access One Incorporated

From: BUTCHBETZ@aol.com  
To: Mike Powell  
Date: Thu, Feb 13, 2003 8:12 AM  
Subject: Line sharing

Please keep line sharing as is.

Eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services.

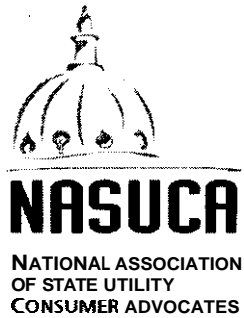
It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You

RichardBetz

**From:** CollinwoodDuke@aol.com  
**To:** Mike Powell  
**Date:** Thu, Feb 13, 2003 1:13 PM  
**Subject:** Line Sharing

Once again the double talking thieves, called politicians are at it again. If line sharing is stoped, the FBI should check the bank accounts of everyone that made it happen.



February 13, 2003

Michael K. Powell, Chairman  
Commissioner Kathleen Q. Abernathy  
Commissioner Jonathan S. Adelstein  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

**Re:** *Triennial Review of Unbundled Network Elements*  
WCB Docket No. **01-338**, *ex parte* communication

Dear Chairman Powell and Commissioners:

As your deliberations in this proceeding continue, the National Association of State Utility Consumer Advocates ("NASUCA") recommends that you give serious consideration to the proposals contained in the February 6, 2003 *ex parte* of the National Association of Regulatory Utility Commissioners ("NARUC"). The NARUC proposals provide a solid basis for the Commission to continue the course directed by the Supreme Court in *Verizon v. FCC*<sup>2</sup> while responding to the remand from the D.C. Circuit Court of Appeals in *USTA v. FCC*.<sup>3</sup> As noted by NARUC, its proposal -- which properly places significant responsibility on the states for the granular analysis of local conditions stemming from *USTA* -- is likely to be upheld in the almost inevitable appeals from Commission's decision in these proceedings.

There is, however, one significant respect in which NASUCA would expand on the NARUC proposal. The NARUC proposal does not adequately consider the importance of the unbundled network element platform ("UNE-P"). As discussed in detail in several recent NASUCA filings,<sup>4</sup> the requirement that incumbent local exchange carriers ("ILECs") lease the UNE-P has led to a significant portion of the residential and small business local exchange competition currently experienced by the consumers represented by NASUCA members. For example, in Ohio, SBC Ohio acknowledges that 240,000 of the 260,000 CLEC residential lines in its territory -- or 92% -- are served through the UNE-P.

The record clearly shows the difficulties and costs of transitioning away from the UNE-P for mass-market customers, which proves that provision of competitive local service to residential and small business customers is impaired without the UNE-P. Thus

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<sup>1</sup> NASUCA is an association of 42 consumer advocates in 40 states and the District of Columbia. NASUCA's members are designated by the laws of their respective states to represent the interests of utility consumers before state and federal regulators and in the courts.

<sup>2</sup> *Verizon Communications Inc. v. FCC*, 535 U.S. 467, 122 S. Ct. 1646, 1661, 152 L. Ed.2d 701 (2002).

<sup>3</sup> *USTA v. FCC*, 290 F.3d 415 (D.C. Cir. 2002).

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8300 Colesville Road, Suite 101 Silver Spring, MD 20910  
 Internet address [www.nasuca.org](http://www.nasuca.org) E-mail [nasuca@nasuca.org](mailto:nasuca@nasuca.org)  
 Telephone 301-589-6313 Facsimile 301-589-6380

<sup>4</sup> See NASUCA's January 27, 2003 *ex parte*, the study attached to the January 27 *ex parte*, NASUCA's December 16, 2002 *ex parte* and the NASUCA Resolution attached to the December 16 *ex parte*.

the UNE-P (the specific combination of the local loop, local switching and interoffice transport that is integral to ILEC provision of local service) must continue to be available to competitive local exchange carriers ("CLECs").

In essence, the availability of the combination UNE-P can be seen as a distinct issue from the availability of the individual elements -- loop, switching and transport. Based on record evidence, NASUCA would recommend adding to NARUC's proposed presumptions a presumption which holds that in all **zones**, the UNE-P should remain on the national list of methods available to provide service to mass market customers. States should be able to craft their own models for dealing with UNE issues, and in doing so should have the broadest range of tools -- including the UNE-P.

Deleting the UNE-P from the list of unbundled network elements -- whether by removing local switching from the unbundling requirements or by some other means -- would leave residential and small business customers with no choice other than to return to the ILEC for local service. This would significantly undermine, if not eliminate, the initial competitive efforts -- like those in Ohio -- through which competitors **are** at last making inroads into the ILECs' century-old monopoly power. It would also be an unjust and unreasonable step in the direction towards unregulated monopolies, contrary to the **1996** Act and the policies of this Commission.

As NASUCA stated in the December **16,2002** *ex parte*:

Residential and small business customers have a real stake in the outcome of this proceeding. We were promised the benefits of the 1996 Act; we have only lately seen some of those benefits; and we remain ... susceptible [to] ILEC monopoly power or market dominance.

Now is not the time to pull the rug out from under the emerging competitive marketplace by eliminating the UNE-P. NASUCA appreciates the Commission's consideration of the interests of residential and small business customers.

Yours truly,

Robert S. Tongren  
Ohio Consumers' Counsel  
President, National Association of State Utility  
Consumer Advocates



David C. Bergmann  
Assistant Ohio Consumers' Counsel  
Chair, NASUCA Telecommunications Committee

cc: Scott Bergmann  
Matthew Brill  
Michelle Carey  
Jeff Carlisle  
Eric Einhom  
Jordan Goldstein  
Daniel Gonzalez  
Rich Lerner  
Christopher Libertelli  
William F. Maher  
Jeremy Miller  
Thomas Navin  
Brent Olson  
Robert Tanner  
Bryan Tramont  
Emily Willeford  
Lisa Zaina

**From:** district35@sov.state.va.us  
**To:** Mike Powell  
**Date:** Thu, Feb 13.2003 11:46 AM  
**Subject:** UNE-P

Please see attached letter from Senator Richard Saslaw, Minority Leader,  
Senate of Virginia.

(See attached file: Powell.doc)

Janet Muldoon  
Legislative Assistant  
District 35  
Senate of Virginia



February 13, 2003

Dear Chairman Powell:

My constituents who are consumers of local phone services, and for that matter nearly all Virginians, have been waiting seven years to get the lower prices and expanded services that were supposed to come when the Telecom Act of 1996 declared the Bell companies' regional monopolies open to competition. Now, just as local phone competition is beginning to take hold in some states and consumers are receiving tangible benefits, it looks like the FCC is ready to pull the rug out from under wide-spread competition and actually strengthen Verizon's monopoly.

This would happen if new rules were promulgated that overturn the Telecom Act requirement that the Bells offer competitors access to the unbundled network elements platform (UNE-P) at reasonable wholesale rates under reasonable terms and conditions. As you know, this leasing arrangement has facilitated virtually all of the non-business local phone competition that's taken root so far. Consumers in many states now enjoy lower phone prices and better value because of the availability of UNE-P. We want this in Virginia, but it will not happen in our lifetimes if the FCC kills these network-leasing requirements and stifles competition along with it. And while CATV does offer the prospect of an alternative to Verizon's services, the cable industry continues to aggressively pursue bundled services that include telephone as part of an entertainment package, but for obvious reasons do not appeal to all Virginians. First prospective customers must have cable access, then they must be able to afford the bundle of services: continuation of UNE-P does not impose these restrictions/pre-conditions on the consumer.

Sincerely,

Richard L. Saslaw  
Minority Leader  
Senate of Virginia

**From:** DENISEWILLIS  
**To:** Brent Olson, Christopher Libertelli, Daniel Gonzalez, Eric Einhorn, Commissioner Adelstein, Jeffrey Carlisle, Jeremy Miller, Jordan Goldstein, Kathleen Abernathy, KM KJMWEB, Lisa Zaina, Matthew Brill, Michelle Carey, Michael Copps, Mike Powell, Richard Lerner, Robert Tanner, **Scott Bergmann**, Thomas Navin, William Maher  
**Date:** Thu, Feb 13, 2003 3:05 PM  
**Subject:** Triennial Review of Unbundled Network Elements Ex-Parte

Sent on behalf of David Bergmann:

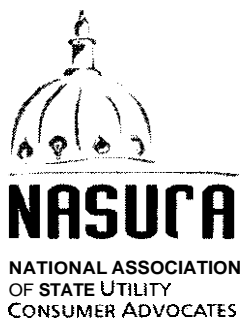
Attached please find a cover letter and ex-parte communication in the Triennial Review of Unbundled Network Elements, WCB Docket 01-338 filed with the FCC today, Thursday, February 13, 2003

Denise Willis  
Case Team Assistant  
(614) 466-1311

CONFIDENTIALITY NOTICE:

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CC: DAVID BERGMANN



January 28, 2003

**NOTICE OF *EX PARTE*  
PRESENTATION**

February 13, 2003

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW 8204  
Washington, DC 20554

Re: Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers;  
Implementation of the Local Competition Provisions **of** the Telecommunications  
Act of **1996**; Deployment of Wireline Services Offering Advanced  
Telecommunications Capability

From: Edwards, Gary  
To: Mike Powell  
Date: Thu, Feb 13, 2003 2:34 PM  
Subject: Line Sharing

Please keep line sharing as is

Eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services.

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You

Gary Edwards

From: Edwards, Gary  
To: KathleenAbernathy  
Date: Thu, Feb 13, 2003 2:34 PM  
Subject: Line Sharing

Please keep line sharing as is

Eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You

Gary Edwards



**From:** eleastlansing <eleastlansing@yahoo.com>  
**To:** Mike Powell  
**Date:** Thu, Feb 13, 2003 8:18 AM  
**Subject:** keep line sharing

Mr. Powell,

Please keep line-sharing... it is GOOD for competition!

Dan Bakita

**From:** Erik Arnold C. Palmer  
**To:** Erik Arnold C. Palmer  
**Date:** Thu, Feb 13, 2003 11:09 PM  
**Subject:** Proposed FCC Changes

Message sent to the following recipients:

Sen. Bond  
Sen. Talent  
Rep. McCarthy  
Message text follows:

Erik Arnold C. Palmer  
10413 College Avenue  
Kansas City, MO 64137

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering deregulating local phone service.

I support the changes that Chairman Powell has proposed. The Telecom industry is in a dire situation. Good quality employees are being lost. The AARP is trying to derail planned reforms because they are short-sided and don't understand the Telecom industry. I work for SBC and will likely lose my job by April because of the misguided government regulations. It is time to stop punishing Telephone companies and labeling them as monopolies just because it sounds politically positive. The changes Mr. Powell has proposed may help avoid a Telecom meltdown. I urge you to act now...my job and future depend on it.

Sincerely,

Erik Arnold C. Palmer

From: Gerry Wiecezra  
To: Mike Powell  
Date: Thu, Feb 13, 2003 9:13 AM  
Subject: Line Sharing

Chairman Powell,

I wish to express my concern over the latest news relating to line sharing and your impending decision

If it were not for the **1996** telecom act we would not have been afforded the options that ~~are/were~~ available for broadband internet connectivity. Under no circumstances should line sharing be eliminated nor costs be added to a line that is already being paid for relating to the lower frequency spectrum (voice).

While this is my fundamental concern, I am also concerned relating to rumors that you will put in place rules which will allow the RBOC's to put fiber in place and NOT allow competition to utilize it. Obviously this is the future of our interconnectivity and while it's not of major concern today, it will be **10-20** years from now. Competition should not be closed out from the last mile to a customer no matter what the connectivity is.

Keep rules in place or extend them to allow the public to have the broadest range of options of providers for their voice and data services.

Sincerely,

Gerry Wiecezra, P.E.  
Stargate Automation  
Michigan

**From:** Jeff Bower  
**To:** Mike Powell  
**Date:** Thu, Feb 13, 2003 8:43 AM  
**Subject:** Linesharing

Chairman Powell,

Please keep linesharing available to consumers of CLEC DSL. They are the ones that stand to lose if you remove their access to the high-frequency portion of the loop.

Regards,

Jeff Bower

From: Jeff Bower  
To: president@whitehouse.gov  
Date: Thu, Feb 13, 2003 10:12 PM  
Subject: FCC Linesharing Review

Mr. President,

I wish to convey my deep concerns regarding the upcoming Broadband Triennial Review Process the FCC is holding. As a long time Republican supporter (never once voting democrat on any ticket for any office), I find myself amazed at the Republican FCC commissioners lack of well being toward the Small Business Owners. They seemed intent on sacrificing small business owners so the major Bells or long distance providers can reap all the rewards. It seems all but apparent they plan on removing smaller DSL CLECs from Linesharing DSL access to ILEC Bell facilities. Companies like Covad Communications use this to provide small/medium sized businesses with broadband service cheaply and effectively.

The economy is in enough troubles as it is. This is not what this country is raised upon. I urge you to guide the commissioners to find appropriate solutions that favors neither the Bell, the Long Distance companies, nor the CLEC DSL companies that have already invested in facilities. A compromise that keeps all business models viable is the best solution for our nation.

Sincerely,

Jeffrey Bower

cc: Chairman Michael K. Powell  
cc: Commissioner Kathleen Q. Abernathy  
cc: Commissioner Kevin J. Martin

CC: Mike Powell, Kathleen Abernathy, KM KJMWEB

**From:** Jim Roberts  
**To:** Mike Powell  
**Date:** Thu, Feb 13, 2003 12:25 PM  
**Subject:** UNE-Platform Letter Michael Powell.doc



February 5<sup>th</sup>, 2003

Dear Chairman Michael Powell:

I **ask** your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in the SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform – to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be **firmly** and permanently established as a viable service option for competitive telecom carriers.

Thank you **very** much for your time and attention to this important matter.

Sincerely,

Jim Roberts  
System Administrator  
Access One Incorporated

From: Kenny Hall  
To: Mike Powell  
Date: Thu, Feb 13, 2003 5:18 PM  
Subject: CC Docket No. 01-338, Review of the Section 251 Unbundling Obligations of Incumbent Local exchange C

February 13, 2003

Honorable Michael K. Powell, Chairman  
Federal Communications Commission  
445 12th Street SW, Portals II Building  
Washington, DC 20544

RE: CC Docket No. 01-338, Review of the Section 251  
Unbundling Obligations of Incumbent Local Exchange Carriers

Dear Chairman Powell:

On behalf of the over 1100 member businesses of the Arkansas State Chamber of Commerce and Associated Industries of Arkansas, Inc., I am writing you to express strong support for the Federal Communications Commission (FCC) to provide positive investment incentives for the telecommunications industry in its current triennial review

We would like to see the elimination of the economically irrational facility unbundling rules that have proved to be devastating to the telecommunications industry as well as the high tech manufacturing companies. The effect of this policy can be seen by the **loss** of over 500,000 jobs in the past three years, the loss of \$1.7 trillion in stock market capitalization and the severe curtailment of capital spending in this industry

Specifically, we encourage the FCC to create a national framework governing the telecom industry that provides incentives for companies to invest in facilities and thereby create an environment that leads to long-term sustainable real facilities-based competition in the provision of telecommunications services. This will also require that the FCC refrain from extending the unbundling requirements to broadband facilities.

Thank you for your consideration of our position on the referenced matter that is of utmost importance to all.

Sincerely,

Ron Russell  
President and CEO  
Arkansas State Chamber of Commerce  
Associated Industries of Arkansas, Inc.



**From:** Kim Smith  
**To:** Mike Powell  
**Date:** Thu, Feb 13, 2003 10:01 AM  
**Subject:** [Date]



February 13, 2003

Dear Chairman Michael Powell:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in the SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" – the UNE-Platform - to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

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Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telecom carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Kim Smith  
HR Administrator  
Access One Incorporated